

Claim 1 recites a commodity order issuing and accepting method that comprises “requesting a first electronic document comprising first input fields for accepting order issuer information and for accepting commodity order issuance information except for an order issuer's payment date from said order accepting device ... [and] inputting said order issuer information and said commodity order issuance information except for said order issuer's payment date into said first input fields on said order issuing device ...”

The Examiner contends that the main menu page 490 correspond to the claimed first electronic document and that virtual buttons 480 to 486 correspond to the claimed first input fields. The Examiner then contends that activating the virtual buttons would correspond to the claimed accepting order issuer information. The Examiner also contends that the claim interpretation is “reasonable.” Office Action at pages 7-8, Response to Arguments.

Applicant submits that mere activation of virtual buttons to generate links as disclosed by O'Hagan does not disclose or suggest the claimed inputting of order issuer information for at least the following reasons.

Claim 1 sets forth that order issuer information is inputted into the first input fields. The activation of a virtual button to display another screen does not input any information about the order issuer (e.g., the user in the context of O'Hagan) into the system of O'Hagan. At best, the activation of a virtual button generates a link that is already in the system to display another screen (col. 15, lines 15-17). The link does not contain any information about the order issuer (e.g., user).

In addition, claim 1 sets forth that the claimed information is inputted into the first input fields. There is no disclose or suggestion in O'Hagan that any information is put into virtual buttons 480 to 486, let alone information about the order issuer. That is, in the context of the Examiner's analysis, O'Hagan does not disclose or suggest that any information about the user is entered into the virtual buttons.

Benton does not cure the above deficiencies of O'Hagan.

Therefore, for at least the above reasons, Applicant submits that the Examiner has failed to make a *prima facie* case of obviousness.

Further, Applicant submits that the Examiner's contentions in the Response to Arguments section are not consistent with the Examiner's contentions with respect to other claim elements. For example, claim 1 recites "inputting said order issuer information ... into said first input fields [of the first electronic document]." The Examiner cites col. 15, lines 40-49, col. 16, lines 48-61, col. 17, lines 1-36 and Figs. 16 and 17, as allegedly disclosing this feature. However, these sections relate to Figs. 15-17, which relate to the purchasing of products, not with respect to order issuer information. In addition, there is no disclosure in these sections with respect to the main menu screen (Fig. 14), the alleged first electronic document, or the virtual buttons 480 to 486, the alleged first input fields. Accordingly, the Examiner's cited sections for allegedly disclosing the claimed inputting of the order issuer information into the first input fields are unrelated to the main menu screen or the virtual buttons 480 to 486. Therefore, Applicant submits that the Examiner's rejection is inconsistent and improper.

Moreover, Applicant submits that the MPEP is clear in that the interpretation is not what the Examiner considers to be reasonable, but what one skilled in the art considers to be reasonable. MPEP at 2100-47 (“The broadest reasonable interpretation of the claims must also be consistent with the interpretation that those skilled in the art would reach.”).

Here, the Examiner’s interpretation that activation of virtual buttons corresponds to accepting order issuer information is not one that one skilled in the art would reach. One skilled in the art would clearly understand that input fields that accept data, e.g., order issuer information, are not that same as buttons that execute a predefined task, e.g., displaying a sub-menu, in a computer system such as that disclosed by O’Hagan. Accordingly, Applicant submits that the Examiner’s interpretation of at least the claimed first input fields as corresponding to the virtual buttons on the main menu screen of O’Hagan would not be “reasonable” to one skilled in the art.

Because independent claims 4 and 7 recite features similar to those given above with respect to claim 1, Applicant submits that claims 4 and 7 are patentable for at least reasons similar to those given above with respect to claim 1.

Claim 10 recites “a first electronic document comprising first input fields for accepting order issuer information.” Because O’Hagan does not disclose or suggest that the virtual buttons 480-486, the alleged first input fields, accept information about the order issuer for at least the reasons given above with respect to claim 1, and because the Examiner’s interpretation with respect to at least the first input fields is not consistent with the interpretation that one skilled in

the art would reach for at least the reasons given above with respect to claim 1, Applicant submits that claim 10 is patentable.

Applicant submits that claims 2, 3, 5, 6, 8, 9 and 11-36 are patentable at least by virtue of their respective dependencies.

In addition, claims 33-36 recite that the “order issuer information is at least one of an order issuer’s name, an order issuer’s address and an order issuer’s telephone number.” The Examiner contends that O’Hagan discloses a customer ID number but concedes that O’Hagan does not disclose the claimed name, claimed address or claimed telephone number. The Examiner applies Benton to allegedly cure the deficiency and contends that one skilled in the art would have applied the teachings of Benton to O’Hagan in order to “identify the buyer.” Office Action at pages 6-7.

O’Hagan discloses that customer information such as customer ID and PIN number are inputted into a welcome screen (Fig. 11) that is separate from the main menu screen, the alleged first electronic document. However, the welcome screen relates to verification of the customer before the main menu is displayed (col. 15, lines 10-11, Fig. 13). Accordingly, O’Hagan requires that the customer information be provided and verified before any screen for selecting a product for purchasing is displayed for the customer.

Accordingly, even if, for the sake of argument alone, modifying the customer ID to include the claimed name, claimed address and claimed telephone number would have been obvious to one skilled in the art, this fact is not relevant to the issue at hand since the customer ID is not on the main menu screen, the alleged first electronic document.

To the extent the Examiner may contend that it would have been obvious to modify the main menu screen to incorporate customer verification, Applicant submits that the teachings of O'Hagan do not make such a modification obvious. Applicant submits that the verification method disclosed in Fig. 13 represents a principle of operation for verifying the customer ID (col. 5, lines 17-20, Fig. 13) and is performed prior to selecting a product for purchasing since this method is used by the welcome screen in verifying the customer (col. 16, lines 29-35). Accordingly, modifying the main menu screen to accept customer verification information at the time of selecting a product for purchase would change the principle of operation of the verification process in O'Hagan. The MPEP is clear in that, if the proposed modification changes the principle of operation of a reference, the teachings are of the references are insufficient to render the claims *prima facie* obvious. MPEP 2100-138.

2. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

Response under 37 C.F.R. § 1.116
U.S. Serial No. 09/782,017

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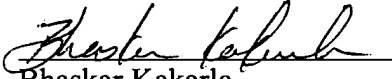
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